

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2399

Introduced by Assembly Member Allen

February 24, 2012

An act to add Section 4141 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2399, as amended, Allen. Mental health: state hospitals: injury and illness prevention plan.

Existing law provides for state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of Mental Health, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities.

~~This bill would require the department, in consultation with the Division of Occupational Safety and Health (Cal-OSHA) and employee and patient representatives, to develop an injury and illness prevention plan to ensure the health and safety of both the patient population and the employees of state hospitals. This bill would require the plan to be completed and fully implemented no later than July 1, 2013.~~

This bill would require state hospitals to update their injury and illness prevention plans at least once every year, as specified, and would require the department to submit those plans to the Legislature every 2 years. This bill would require each state hospital to establish an injury and illness prevention committee, which would meet at least 4 times a year, to provide recommendations to the hospital's director on updates to the injury and illness prevention plan, and would also require each

state hospital to develop an incident reporting system that can be used to, at a minimum, report patient assaults on employees and report identified risks of patient assaults on employees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4141 is added to the Welfare and*
2 *Institutions Code, to read:*
3 *4141. (a) (1) Each state hospital shall update its injury and*
4 *illness prevention plan at least once a year to include necessary*
5 *safeguards to prevent workplace safety hazards in connection with*
6 *workplace violence associated with patient assaults on employees.*
7 *(2) Updated injury and illness prevention plans shall address,*
8 *but shall not be limited to, all of the following:*
9 *(A) Control of physical access throughout the hospital and*
10 *grounds.*
11 *(B) Alarm systems.*
12 *(C) Presence of security personnel.*
13 *(D) Training.*
14 *(E) Buddy systems.*
15 *(F) Communication.*
16 *(G) Emergency responses.*
17 *(3) (A) The department shall submit the updated injury and*
18 *illness prevention plans to the Legislature every two years.*
19 *(B) (i) The requirement for submitting the updated injury and*
20 *illness prevention plans imposed pursuant to subparagraph (A) is*
21 *inoperative four years after the date the first report is due, pursuant*
22 *to Section 10231.5 of the Government Code.*
23 *(ii) Updated injury and illness prevention plans submitted*
24 *pursuant to subparagraph (A) shall be submitted in compliance*
25 *with Section 9795 of the Government Code.*
26 *(b) Each state hospital shall establish an injury and illness*
27 *prevention committee comprised of hospital management and*
28 *employees designated by the hospital's director in consultation*
29 *with the employee bargaining units. The committee shall be*
30 *responsible for providing recommendations to the hospital director*
31 *for updates to the injury and illness prevention plan. The committee*
32 *shall meet at least four times per year.*

1 (c) Each state hospital shall develop an incident reporting
2 system that can be used, at a minimum, to report patient assaults
3 on employees and report identified risks of patient assaults on
4 employees. The reporting system shall be widely accessible to staff
5 and be designed to provide hospital management with immediate
6 notification of reported incidents and identified risks. The hospital
7 shall provide for timely and efficient responses and investigations
8 to incident reports made under the reporting system. Incident
9 reports shall also be forwarded to the injury and illness prevention
10 committee established pursuant to subdivision (b).

11 ~~SECTION 1. Section 4141 is added to the Welfare and~~
12 ~~Institutions Code, to read:~~

13 ~~4141. (a) Consistent with the authority of the department to~~
14 ~~operate and maintain state hospitals under its jurisdiction, the~~
15 ~~Director of Mental Health shall develop an injury and illness~~
16 ~~prevention plan to ensure the health and safety of both the patient~~
17 ~~population and the employees of state hospitals. The director shall~~
18 ~~develop the plan in consultation with the Division of Occupational~~
19 ~~Safety and Health (Cal-OSHA) and employee and patient~~
20 ~~representatives.~~

21 ~~(b) The injury and illness prevention plan described in~~
22 ~~subdivision (a) shall be completed and fully implemented no later~~
23 ~~than July 1, 2013.~~